

City Council
Atlanta, Georgia

06-O-1808

Z-06-90

Date Filed: 7-11-06

A SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **3103 and 3113 Lenox Road, N.E.** be changed from the R-3 (Single family residential) District to the RG-2-C (Residential General-Sector 2 Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and being Land Lot 6, 17th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

COMMITTEE AMENDMENT FORM

DATE: 09/27/ 06

COMMITTEE ZONING PAGE NUM. (S)

ORDINANCE I. D. #06-O-1808 SECTION (S)

RESOLUTION I. D. #06-R- PARA.

AMENDS THE LEGISLATION BY ADDING TWENTY-SIX (26) CONDITIONS
INCLUDING A NEW SITE PLAN RECEIVED BY THE PLANNING BUREAU
8/29/06.

AMENDMENT DONE BY COUNCIL STAFF 9/27/06

City Council
Atlanta, Georgia

06-O-1808

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-06-90
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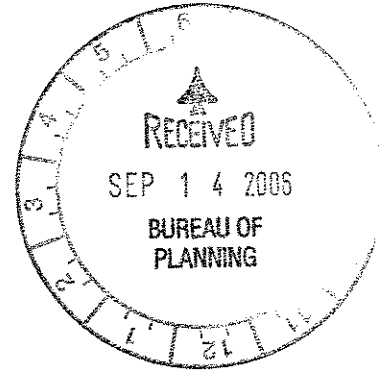
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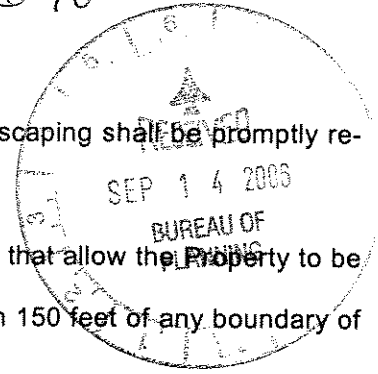
MEMORANDUM OF ZONING CONDITIONS

To: City of Atlanta Zoning Review Board
From: Lenox Road Development, Inc. ("Applicant")
Date: September 14, 2006
RE: Application Z-06-90 (the "Application")



Applicant stipulates and agrees to be bound by the following twenty-six (26) items as conditions of zoning:

1. The property that is the subject of the Application (the "Property") shall be developed with seven (7) attached single-family residential townhomes in accordance with the attached site plan (the "Site Plan").
2. To the extent of any conflict or ambiguity between these conditions and the Site Plan and any development regulations, the most restrictive provision shall govern, supersede and control.
3. The Property shall be developed and used only for single-family residential uses.
4. There shall be no primary or accessory retail, commercial or other business use of the Property or any part thereof. Retail, commercial and business uses, whether primary or accessory, are strictly prohibited.
5. Any and all residences shall have a minimum heated floor area of 2300 square feet on average.
6. Any and all residences shall be served by an attached two-car garage.
7. Any and all residences shall be served by underground utilities only.
8. Chain link fencing is not permitted anywhere on the Property. Fencing and gates, if installed on the Property, must (except for the area of vehicular access through a main entry gate) be completely screened from view on the exterior facade of such fencing, by evergreen trees, plants, shrubs and similar landscaping materials (exterior meaning the side of such fencing that



does not face the interior of the Property). Dead or deteriorated landscaping shall be promptly replanted and installed.

9. There shall be no curb cuts in or through the Property that allow the Property to be developed in conjunction with any other realty that has frontage within 150 feet of any boundary of the Property or vehicular access to Lenox Road.

10. Access for motorized vehicles (e.g., cars, trucks, motorcycles, scooters, mopeds, etc.) shall be from/onto Lenox Road only. Motorized vehicular (e.g., cars, trucks, motorcycles, scooters, mopeds, etc.) access from/onto Crane Road is prohibited. Constitutional rights of access to Crane Road (i.e., for access with motorized vehicles) are waived.

11. Each townhome shall be finished on all sides with any of brick, hardcoat stucco, stone, or shake shingles; wood and planked siding shall not be permitted except on eaves, dormers, and gables.

12. The Property may not now or in the future be developed in conjunction with, or adjoined to, any adjoining or nearby land or subdivisions.

13. There shall be planted along Lenox Road and Crane Road, not later than the date of issuance of a certificate of occupancy for the first residential structure, large hardwood shade trees (oak, maple or better species; 8 to 10 feet in height; minimum 5 inch caliper) in accordance with a landscape plan to be prepared by a Georgia registered professional landscape architect and approved by the City of Atlanta and such landscape plan shall supplement the large existing hardwood trees to be saved.

14. There shall be and forever remain a 20 foot undisturbed buffer adjacent to the R-3 property abutting the Property as shown on the Site Plan.

15. A homeowner's association shall and is hereby established to maintain and repair water detention facilities serving the Property (until such time as the City of Atlanta assumes such responsibility) and any common areas and architectural standards at least consistent with these conditions.

16. All lots and townhomes shall be developed in strict compliance with the applicable RG-2 zoning district development standards, and there shall not be permitted any administrative variances or administrative special exceptions (other than the 20 foot front yard setback variance

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that is sought with the Application and is reflected on the Site Plan), whether administrative or otherwise, absent a public hearing in accordance with procedures for non-administrative variances.

17. All water detention facilities shall (i) be fully screened from view using heavy evergreen trees and shrubbery and (ii) be designed so that the rate of release of storm water from the Property site shall not exceed eighty percent (80%) of the rate of release prior to development (i.e., so the post-development rate of release is 20% lower than the pre-development rate of release) and the volume of stormwater leaving the Property site is not increased. Best management practices shall be utilized to control stormwater and sediment leaving the Property.

18. Trees in locations where improvements are not to be constructed shall be preserved to the maximum extent possible.

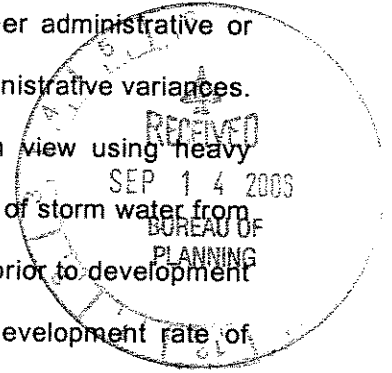
19. Grading and land disturbance activities shall be limited as far as is practicable to that necessary to attain each stage of development and construction.

20. No building permits (including a building permit to engage in land disturbing activities) shall be issued until Applicant and/or its successors or assigns, has received written assurance from the Director of the Bureau of Building for the City of Atlanta (or from the controlling jurisdiction or agency) that sewer capacity is or will be available to the site prior to completion of construction.

21. The following types of signs and lighting shall not be used: (i) neon; (ii) flashing; (iii) strobe; (iv) rotating; (v) fluorescent (if outdoor); (vi) sound-emitting; (vii) banners; and/or (viii) temporary or permanent window signs.

22. These conditions shall not be subject to administrative change. If the present or any future owner of the Property seeks a modification of zoning conditions, the owner shall first file with the City of Atlanta a formal application to modify the zoning conditions, and there shall then be a public hearing on the application, the decision on the application to be made by the public hearing body.

23. Any use of the Property in the RG-2 zoning category in the Zoning Ordinance of the City of Atlanta, Georgia shall not have a floor-to-area ratio (as defined in the RG zoning designations in the Zoning Ordinance of the City of Atlanta, Georgia) in excess of .348.



24. The density of development of the Property shall not exceed 7.6 units per acre of the Property.
25. The total open space for the Property shall be at least .85 acres.
26. The total usable open space for the Property shall be at least .52 acres.

Lauren Hansford

Dillard & Galloway

Attorneys for Applicant

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